

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

APPLERA CORPORATION, MDS INC.,  
and APPLIED BIOSYSTEMS/MDS SCIEX  
INSTRUMENTS,

Plaintiffs and  
Counter-Defendants,

v.

THERMO ELECTRON CORPORATION,

Defendant and  
Counter-Plaintiff.

Civil Action No. 04-1230-GMS

THERMO FINNIGAN LLC

Plaintiff and  
Counter-Defendant,

v.

APPLERA CORPORATION, MDS, INC.,  
and APPLIED BIOSYSTEMS/MDS SCIEX  
INSTRUMENTS,

Defendants and  
Counter-Plaintiffs.

Civil Action No. 05-110-GMS

(Consolidated)

**STIPULATION AND ORDER**

WHEREAS the parties are required to submit opening claim construction briefs on Friday November 18, 2005 and responsive claim construction briefs on Monday December 12, 2005 in C.A. No. 04-1230 and C.A. 05-110;

WHEREAS the claim construction briefs will address two patents, one asserted by plaintiffs and one by defendants, and there is some overlap between the technology involved in the patents-in-suit;

WHEREAS the parties believe that submitting one opening and responsive brief each covering both patents will serve the interests of justice and will clarify issues for the Court;

The parties hereby stipulate and agree, subject to the approval of the Court, that each party will submit one 80 page opening claim construction brief and one 80 page responsive claim construction brief addressing the patents-in-suit in both above-captioned actions.

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Attorneys for Thermo Electron Corp. and  
Thermo Finnigan LLC

Dated: November 16, 2005

Dated: November 16, 2005

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2005.

\_\_\_\_\_  
U.S.D.J.